



FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MSI/173333

PRELIMINARY RECITALS

Pursuant to a petition filed April 1, 2016, under Wis. Stat., § 49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to discontinue Medical Assistance (MA), a hearing was held on May 11, 2016, at Madison, Wisconsin, with the parties appearing by telephone.

The issue for determination is whether the DHCAA correctly closed MA when Supplemental Security Income (SSI) ended.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Written submission of [REDACTED], State SSI Analyst

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 9-year-old resident of Dane County. She resides with her father.
2. Petitioner received SSI, and as a result automatically received MA. Effective March 1, 2016, the Social Security Administration (SSA) discontinued her SSI because of income. The State SSI office then notified petitioner that MA would end April 1, 2016.

DISCUSSION

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under Wis. Stat., §49.46(1)(a)4. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of this statutory section. Petitioner remains eligible for MA under a different statutory section, in particular the state BadgerCare Plus (BC+) program. Eligibility for BC+ is determined by the local county agency.

The DHCAA correctly closed the automatic SSI-based MA because SSI ended. Petitioner's father testified that he applied for MA at the Dane County agency but was denied. I checked the computer record, and BC+ was denied because the application was incomplete and petitioner's father did not complete the process. Based on the household income figures showing in the system petitioner would almost certainly be eligible for BC+ with no premium.

I strongly recommend that petitioner's father reapply for BC+ and get through the process. It can be confusing and tedious, but at this point it is the only way that he can get petitioner's MA reopened unless the Social Security Administration reopens SSI. **I further recommend that petitioner contact the ADRC in Madison at 240-7400; a benefit specialist at that agency can help him with the process.**

CONCLUSIONS OF LAW

The DHCAA correctly closed SSI-based MA because petitioner's SSI ended.

THEREFORE, it is

ORDERED

That the petition for review is hereby dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 16th day of May, 2016

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 16, 2016.

Division of Health Care Access and Accountability
State SSI